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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,208	01/20/2004	Rogério Jun Mizuno	P24450	8073
7055	7590	06/29/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			LEUBECKER, JOHN P	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/759,208

Applicant(s)

MIZUNO, ROGERIO JUN

Examiner

John P. Leubecker

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-14, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (U.S. Pat. 6,028,306).

Referring mainly to Figure 3, Hayashi disclose a laser source (31) that emits a plurality of laser beams (through microlens array 33), a light detector (42), a plurality of confocal optical systems (40,34-39) that converge the laser beams in a matrix pattern (note P in Figure 4A), a common reducing objective (38,39), and a common light shielding member (34) which includes pin holes. Note col.11, lines 21-26 which suggests with an endoscope.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Webb et al. (U.S. Pat. 5,028,802)

Hayashi disclose a beam splitter comprising a half mirror (40) but fails to mention a cube that would be capable of supporting adjacent element of the system. Webb et al. teaches use of a cube (S', Fig.6) in place of a beam splitter (S, Fig.3). Such not only makes the system compact, but provides a support for the adjacent optical components of the system (col.6, line 67 to col.7, line 12). It would have been obvious to one of ordinary skill in the art to have provided a beam splitting cube instead of the stand alone beam splitter as an obvious alternative and for the reasons taught by Webb et al.

6. Claim 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Viellerobe et al. (US 2005/0078924).

Hayashi discloses the confocal imaging system used in an endoscope device but fails to provide the particulars of such endoscope device, and specifically, the use of optical fibers. Viellerobe et al. disclose a confocal imaging system for use with an endoscope ([0001]) that includes optical fibers. It would have been obvious to one of ordinary skill in the art to have provided an endoscope that included optical fibers since such has been contemplated in the art and has been shown to be conducive to use with confocal imaging systems, as shown by Viellerobe et al.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Viellerobe et al. and further in view of Webb et al. for the reasons set forth in numbered paragraph 5 above.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Bradley (U.S. Pat. 5,109,386).

Hayashi mention the use of laser diodes but fail to mention any particular type. Assuming that a conventional edge emitting laser diode was contemplated (as opposed the surface emitting type which would anticipate claim 19), Bradley teaches advantages of using surface emitting laser diodes over edge emitting ones (col.1, lines 12-24). It would have been obvious to one of ordinary skill in the art to have used surface emitting laser diodes for the advantages taught by Bradley.

#### ***Allowable Subject Matter***

9. Claims 8-10 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Webb et al. (U.S. Pat. 5,563,710)

Almogy et al. (US 2003/0085335)

Huang (U.S. Pat. 5,790,310)

Tanaami (U.S. Pat. 5,978,095)

Hell et al. (U.S. Pat. 6,262,423)

Grosskopf (U.S. Pat. 6,252,717)

Krantz (U.S. Pat. 6,248,988)

Modell et al. (U.S. Pat. 6,411,835)

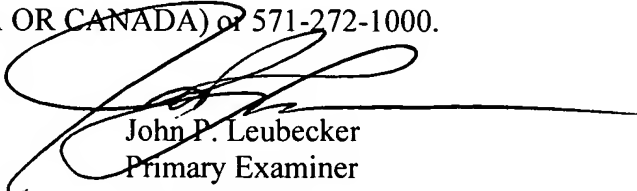
Fairley et al. (U.S. Pat. 6,867,406)

Lin et al. (US 2002/0027708)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John P. Leubecker  
Primary Examiner  
Art Unit 3739